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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,577	11/05/2001	Brian R. Beams	05222.00177	4237

29638 7590 08/12/2005

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EXAMINER

TRAN, PHILIP B

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/009,577	BEAMS ET AL.	
	Examiner	Art Unit	
	Philip B. Tran	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 05/09/2005. Claims 1, 10 and 11 have been amended. Therefore, claims 1-19 are pending for further examination.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. **See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).**

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-19 of the instant application (Application No. 10/009,577) are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,611,822 in view of xxx, U.S. Patent No. xxx. Although the conflicting claims are not identical, they are not patentably distinct from each other because modifications are obvious.

Regarding claims 1-19, claims 1-19 of U.S. Pat. No. 6,611,822 recite all limitations in claims 1-19, respectively, of the instant application [see Col. 119, Line 55 to Col. 122, Line 5]. They do not explicitly teach **establishing interaction parameters for the plurality of users based on a destination of the collaborative training session** and establishing the network connection mode between the plurality of users **in accordance with the interaction parameters**. However, interaction parameters for the plurality of users are just the number of users participated in the collaborative session. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate interaction parameters into the system of collaborative training session disclosed by Beams et al (U.S. Pat. No. 6,611,822) because it would have enabled the system to monitor and manage a plurality of users or attendees in a quicker and more efficient manner by updating the information dynamically to the current status.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cook et al (Hereafter, Cook), U.S. Pat. No. 5,727,950.

Regarding claim 1, Cook teaches a method for establishing a collaborative training session, comprising the steps of establishing a network connection between a plurality of users, selecting a mode for the network connection between the plurality of users, establishing the network connection mode between the plurality of users, and synchronizing the mode between the plurality of users (= interactive agent based instruction that establishes interconnected communication among a plurality of students for providing materials to geographically distributed students from servers) [see Abstract, Figs. 1-2, Col. 10, Line 43 to Col. 12, Line 34 and Col. 45, Line 10 to Col. 47, Line 6].

Cook does not explicitly teach establishing interaction parameters for the plurality of users based on a destination of the collaborative training session and establishing the network connection mode between the plurality of users in accordance with the interaction parameters. However, interaction parameters for the plurality of users are just the number of users participated in the collaborative session. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate interaction parameters into the system of collaborative training session disclosed by Beams et al (U.S. Pat. No. 6,611,822) because it would have enabled the system to monitor and manage a plurality of users or attendees in a quicker and more efficient manner by updating the information dynamically to the current status.

Regarding claim 2, Cook further teaches a method for establishing a collaborative training session as recited in claim 1, wherein the mode is a specific application that is shared between the plurality of users [see Col. 6, Lines 6-49].

Regarding claims 3-5, Cook further teaches a method for establishing a collaborative training session as recited in claim 1, wherein the mode is a whiteboard application that is shared between the plurality of users, wherein the mode is a chat room that is shared between the plurality of users and wherein the mode is a video conference for the plurality of users [see Fig. 3, Col. 6, Lines 6-49, Col. 23, Line 20 to Col. 26, Line 34 and Col. 45, Line 10 to Col. 47, Line 6].

Regarding claim 6, Cook further teaches a method for establishing a collaborative training session as recited in claim 1, wherein the mode includes media sharing between the plurality of users [see Col. 13, Line 29 to Col. 14, Line 30].

Regarding claim 7, Cook further teaches a method for establishing a collaborative training session as recited in claim 1, wherein the mode includes interactive browsing between the plurality of users [see Col. 37, Lines 25-51].

Regarding claims 8-9, Cook further teaches a method for establishing a collaborative training session as recited in claim 1, wherein the mode includes newsgroup sharing between the plurality of users and wherein the mode includes discussion group sharing between the plurality of users [see Col. 45, Line 10 to Col. 47, Line 29].

Claims 10-11 are rejected under the same rationale set forth above to claim 1.

Claims 12-19 are rejected under the same rationale set forth above to claims 2-9, respectively.

Response to Arguments

6. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Other References Cited

7. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

A) Podgorny et al, U.S. Pat. No. 6,078,948.

B) Frasson et al, U.S. Pat. No. 6,341,960.

C) Morris et al, U.S. Pat. No. 6,496,851.

D) Remschel, U.S. Pat. No. 6,411,796.

8. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Tran

Philip B. Tran
Art Unit 2155
August 05, 2005